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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,343	07/30/2003	Vidur Apparao	AOL0124	3454
22862	7590	04/21/2005	EXAMINER	
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			VU, KIEU D	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/631,343

Applicant(s)

APPARAO ET AL.

Examiner

Kieu D Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 22-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-13, 15-20 and 26-31 is/are rejected.
- 7) ☒ Claim(s) 9, 14 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

42

### **DETAILED ACTION**

1. This Office Action is in response to the Amendment filed on 01/18/05.
2. Applicant's election without traverse of Group I, which includes claim 1-21 and 26-31 in the reply filed on 01/18/05 is acknowledged.

#### ***Specification***

3. The abstract is objected since it exceeds 150 words.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

#### ***Claim Objections***

4. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 30 been renumbered 31.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2173

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5-6, 8, 11-13, 15, 17-19, 26-27, and 29 are rejected under 35

U.S.C. 102(e) as being anticipated by Simchik (Pub. No. US 2002/0075302).

Regarding claim 1, Simchik teaches a method for managing digital assets (hypertext), comprising the steps of monitoring the use of said digital assets by a user (tracking hypertext access); ranking said digital assets according to the extent of said use of said digital assets (assigning prominence rating) (see [0007]); and generating an access hierarchy based on said ranking step, wherein highly ranked digital assets are more easily accessed by said user than lower ranked digital assets (the hypertext with the highest prominence rating is placed first in the display to ensure that it is easier for user to access) (see [0033] and [0036]) (also see Fig. 5) (also see Fig. 3) .

Regarding claim 2, Simchik teaches said ranking step is based on recency of use and/or frequency of use (count of frequency access, date of most recent access) (see [0030] and [0037]).

Regarding claim 3, Simchik teaches applying a user-assigned value when generating said access hierarchy (user can control parameters in rating therefore a customized measurement is allowed) (see [0006], [0030]).

Regarding claims 5 and 13, Simchik teaches monitoring use of digital images (see [0027]).

Regarding claim 6, Simchik teaches assigning score for viewing a digital image, said ranking step comprising the step of processing said score ([0030]).

Regarding claim 8, Simchik teaches monitoring a Web browser's navigation history (see [0037]).

Regarding claim 11, Simchik teaches sharing said access hierarchy with a plurality of networked devices (see [0038]).

Regarding claim 12, Simchik teaches a system for managing a plurality of digital assets (see Fig. 1 and Fig. 10), comprising a memory for storing a plurality of digital assets (see [0039]), a processor in communication with said memory for manipulating said plurality of digital assets, and a ranking module (program module) in communication with said processor and said memory to rank said digital assets based on user manipulation of said digital assets; wherein said memory is responsive to said rank of said digital assets to store said digital assets with higher ranked digital assets more easily accessed than lower ranked digital assets (see [0033] and [0036]) (also see Fig. 5) (also see Fig. 3).

Regarding claim 15, Simchik teaches said ranking module ranks said digital assets at least in part based on user-assigned values (user can control parameters in rating therefore a customized measurement is allowed) (see [0006], [0030]).

Regarding claim 17, Simchik teaches said ranking module comprises an input for receiving data representative of use of said digital assets including any of frequency

Art Unit: 2173

of use and recency of use, said ranking module being configured to factor in said data representative of said use (count of frequency access, date of most recent access) (see [0030] and [0037]).

Regarding claim 18, Simchik teaches said digital assets stored in said memory comprise digital images ([0027]), said ranking module being configured to use scores assigned to said digital images to calculate a ranking of said digital images, said scores being based on specific user manipulations of said digital images, comprise any of editing, viewing, and transmitting or receiving of said digital images ([0030]).

Regarding claim 19, Simchik teaches digital assets comprise URL's (see [0004]).

Regarding claim 26, Simchik teaches a method managing a list of URLs that is automatically responsive to a user's Web navigation history ([0037]), comprising the steps of creating a navigation history that records Web sites accessed by said user (tracking hypertext access), assigning scores to each of said URLs in said navigation history based on use of said URL (assigning prominence rating) (see [0007]); creating an access hierarchy of said URL based on said scores, wherein URL having higher scores are more easily accessed than URL having lower scores (the hypertext with the highest prominence rating is placed first in the display to ensure that it is easier for user to access) (see [0033] and [0036]) (also see Fig. 5) (also see Fig. 3).

Regarding claim 27, Simchik teaches that said step of creating a Web navigation history comprises recording the recency and frequency with which each of said URL are activated (count of frequency access, date of most recent access) (see [0030] and [0037]).

Regarding claim 29, Simchik teaches receiving user-assigned values for each of said URL's, said step of assigning scores further comprising the step of factoring in said user-assigned values ([0030]).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 10, 16, 20, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simchik and Bates et al ("Bates", USP 6088707).

Regarding claims 4, 10, 16, and 20, Simchik teaches assigning scores to each of said digital assets based on said use of said digital assets ([0030]), and re-ranking said digital assets based on the score ([0033]). Simchik differs from the claim in that Simchik does not teach re-ranking said digital assets only if a score of a first digital asset exceeds a score of a second previously higher ranked digital asset by a predetermined threshold. However, such feature is known in the art as taught by Bates. In the same field of customizing present information of interest to a user (col 2, lines 46-56), Bates teaches steps for monitoring the update status of hypertext document (col 2, lines 46-56), Bates further teaches notification of an updates occurs only in response to changes to a document that exceed a predetermined threshold (col 3, lines 1-4) which is optionally configured by the user (col 7, lines 65-67). It would have been obvious to one of ordinary skill in the art, having the teaching of Simchik and Bates before him at the

time the invention was made, to modify Simchik's method of displaying hypertext based on prominence rating to include Bates' teaching that updating status occurs only if changes exceed a predetermined threshold so that the user can control when to change the display list, thus enhancing customization of Simchik's system (Simchik, [0030]).

Regarding claim 30, Simchik teaches updating said Web navigation history to record Web sites visits made by said user assigning scores to each of said URL'S in said updated Web navigation history based on said user's use of said URL's ([0030]). Simchik differs from the claim in that Simchik does not teach updating said access hierarchy if a score assigned to a first URL exceeds a score assigned to a second previously higher ranked URL by a predetermined threshold. However, such feature is known in the art as taught by Bates. In the same field of customizing present information of interest to a user (col 2, lines 46-56), Bates teaches steps for monitoring the update status of hypertext document (col 2, lines 46-56), Bates further teaches notification of an updates occurs only in response to changes to a document that exceed a predetermined threshold (col 3, lines 1-4) which is optionally configured by the user (col 7, lines 65-67). It would have been obvious to one of ordinary skill in the art, having the teaching of Simchik and Bates before him at the time the invention was made, to modify Simchik's method of displaying hypertext based on prominence rating to include Bates' teaching that updating status occurs only if changes exceed a predetermined threshold so that the user can control when to change the hierarchy display list, thus enhancing customization of Simchik's system (Simchik, [0030]).

Regarding claim 31, Bates teaches allowing said user to define said predetermined threshold (col 7, lines 65-67).



9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simchik and Ferman et al ("Ferman", Pub. No. US 2004/0073918).

Regarding claim 7, Simchik teaches calculating ranking based on user's accessing digital assets ([0030]). Simchik does not teach monitoring audio files. However, such feature is known in the art as taught by Ferman. Ferman teaches automatic user profiling which comprises monitoring the use of audio files of a user through recording and subsequently analyzing usage user's usage history information (see [0006]). It would have been obvious to one of ordinary skill in the art, having the teaching of Simchik and Ferman before him at the time the invention was made, to modify Simchik's method of displaying hypertext based on prominence rating to include monitoring audio files so with the motivation being to apply Simchik's teaching for both image and audio files.

10. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simchik and Weng et al ("Weng", Pub. No. US 2004/0019849).

Regarding claim 28, Simchik does not teach determining whether data downloaded from Web sites corresponding to said URL'S were edited or shared by said user. However, such feature is known in the art as taught by Weng. Weng teaches method for providing online Web page editing which comprises editing downloaded data (abstract). It would have been obvious to one of ordinary skill in the art, having the teaching of Simchik and Weng before him at the time the invention was made, to modify Simchik's method of displaying hypertext based on prominence rating to include Weng's teaching of monitoring editing downloaded data with the motivation being enable the system to monitor the use of downloaded data.

***Allowable Subject Matter***

11. Claims 9, 14, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

703-872-9306

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

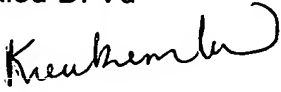
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/631,343

Page 10

Art Unit: 2173

Kieu D. Vu

A handwritten signature in black ink, appearing to read "Kieu D. Vu", with a stylized flourish at the end.